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Frankfurt '87: Riding the Merger Wave

Children's Book Scene: SF for Teenagers • How the FBI Watched Writers

10th Birthday for New England Booksellers • 'Public Publishing' at UC Press

Publishers Weekly

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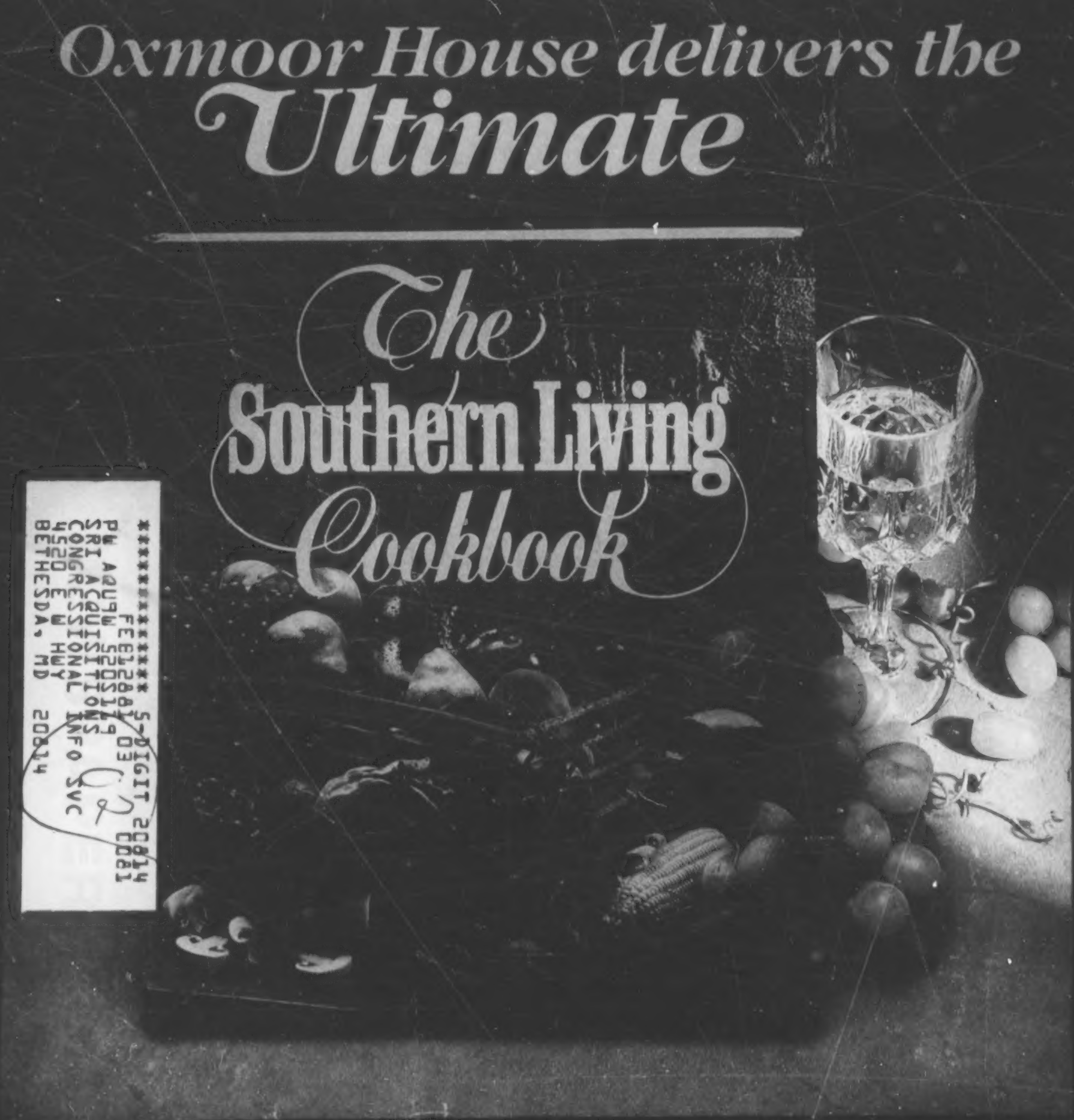

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EDITED BY MADALYNNE REUTER

Judge Limits Trade Books In Marin College Stores

Two Northern California booksellers have won their legal fight to keep a community college district bookstore managed by Barnes & Noble from selling a wide variety of trade books. After more than a year of litigation, a superior court judge has granted the booksellers a permanent injunction against the Marin Community College Bookstore. The precedent-setting ruling could invite similar litigation in the state's 106 community colleges, officials said.

"We're the only district in the state operating like this," said Myrna Miller, president of the college, adding that an appeal is likely. "It's very unfortunate that any local bookstore can keep a college from selling books. The booksellers saw this as a nose under the tent. They didn't want Barnes & Noble in Northern California."

On October 2, Marin Superior Court Judge Richard H. Breiner granted a motion for summary judgment from booksellers Mary Jane Dunstan and Woody Leary of Artist's Proof Bookstore and First Street Books, respectively, against the college.

Citing the state's education Code 81676, which restricts the sale of certain books in community college stores, Judge Breiner ruled in a six-page decision that a permanent injunction should be granted that would prevent the college from "selling or allowing to be sold" at either of its two college bookstores "any books, except textbooks, supplementary textbooks, and trade books required or recommended for college credit courses and community education classes and reference books."

Trade books comprise less than 10% of the campus bookstores' operations, said Miller. The judge's interpretation of the state statute will keep the college bookstore from having a simple process of ordering books and keeping them in stock, she said, adding, "It's going to be a lot of paperwork."

The booksellers had sued after the college's board of trustees entered into an agreement with Barnes & Noble to manage the two stores in August 1986. A preliminary injunction against the college was issued in September 1986. In December Barnes & Noble appealed, but the state court of appeal sent the case back to the trial court. According to Miller, when the suit was initiated the agreements with Barnes & Noble called for the college to pay the chain a minimum annual commission of $85,000 plus 7% of gross sales in excess of $1.5 million. In addition, Barnes & Noble agreed to remodel bookstore facilities spending no less than $40,000 and no more than $95,000.

Miller said that the college sought outside management for the bookstores to provide better service and a greater cost efficiency. "We knew that we had an unfair pricing problem in the bookstore in the spring of 1986, and Barnes & Noble was my response to changing that," she said.

According to plaintiff Dunstan, a former faculty member whose bookstore is two miles from one of the campuses, the agreement with Barnes & Noble to sell *New York Times* bestsellers and remainders at discount prices was "unfair." Dunstan and coplaintiff Leary said they were "delighted" with the ruling. "It will make booksellers in areas where there are community colleges alert to chains' taking over community college bookstores and turning them into full-service operations," said Dunstan.

Allowing the agreement as it stood between the college and the chain would have "just destroyed the neighborhood and independent booksellers," said Leary, whose bookstore is directly across from one of the campuses. "There weren't any disputed facts in the case. It's a permanent injunction against the district; even if Barnes & Noble leaves, this means Crown can't come in and do the same thing."

"Breiner concluded that, unlike parks and street corners, college bookstores were not intended as forums for the public," said Bob Owens, attorney for the college.

Counsel for Barnes & Noble was unavailable at press time. —MOLLY COLIN

AAP Sales Report for August

Category	% change, August	% change, YTD
Adult hardcover	20.8	11.2
Adult paperback	10.0	15.4
Juvenile hardcover	22.5	24.7
Juvenile paperback	9.1	24.6
Univ. Pr. hardcover	10.7	5.7
Univ. Pr. paperback	11.6	13.3
Bibles, etc.	1.1	7.8
Mass market paperback	-6.9	3.6
Book club	5.0	11.4
Mail order	-4.4	2.4
Sci-tech	7.2	14.3
College texts	22.1	2.0
School texts	3.0	5.8

Sen. Dodd Joins Battle Against Korean Piracy

Publishers concerned about an apparent breach of a Korean copyright agreement got some strong help from a U.S. senator for the complaint regarding the sale of two million pirated copies of U.S.-published textbooks.

Sen. Christopher Dodd (D., Conn.), a member of the Senate Foreign Relations Committee, wrote to the Korean ambassador to the United States saying, "This unfortunate situation... must be rectified as quickly as possible."

The Association of American Publishers, which represents most of the U.S. publishers whose books are involved, has hired its own attorney in Seoul to represent them in the matter.

At issue is the decision by the Korean government to allow the sale of two million books that were pirated before the Korean government adopted a new copyright law which went into effect July 1 and which bars piracy.

The AAP accused a U.S. agent for the Korean Foreign Book Publishing Council of misleading the Korean public and government about discussions that had been held with the AAP. Apparently it was suggested the AAP had said it was all right to sell the pirated books, and they were put on the market just before the start of fall college classes.

Dodd's letter to Ambassador Kyung-Won Kim noted that the United States and Korea had negotiated an agreement last year to halt the piracy and to work on a new copyright law that bans the practice.

He said the pirates not only were violating the agreement between the two countries, "they are also injuring the legitimate Korean book importing industry and causing substantial economic harm to American publishers and authors."

—HOWARD FIELDS